

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

SELAINÉ ROLLINS, ET AL.	§	
	§	
V.	§	CIVIL ACTION NO. G-06-170
	§	
MAINLAND CROSSING APARTMENT	§	
TOWNHOMES, ET AL.	§	

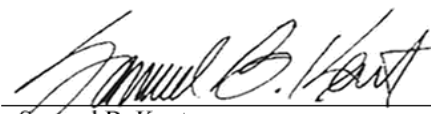
OPINION AND ORDER

Before the Court is a Report and Recommendation from the United States Magistrate Judge dated October 19, 2006, which recommends that the Motion to Dismiss of Defendants be denied; no timely objections have been filed by the Parties.

Upon *de novo* review, pursuant to 28 U.S.C. § 636(b)(1)(C), this Court finds that the Report and Recommendation of the Magistrate Judge is a well reasoned and correct application of law to the pleadings in this case and it is, therefore, **ACCEPTED** by this Court in its entirety and incorporated by reference herein.

Accordingly, it is the **ORDERED** of this Court that the Motions to Dismiss under Rule 12(b)(6) of Defendants Mainland Crossing Townhouses, LLC; MBS GP 44, LLC; and Carol J. Tobola (Instrument nos. 5, 8 and 21) is **DENIED**.

DONE at Galveston, Texas, this 21st day of November, 2006.



Samuel B. Kent
United States District Judge